

### **REMARKS**

Claims 1-12 and 20-27 have been cancelled without prejudice. New claims 28-53 have been added. No new matter has been added.

Support for new claim 28-33 may be found throughout the specification, for example at page 12, lines 4-8 and at Examples 2.3, 3.4, 4.2 and 5.2 of the specification. Support for new claim 35 may be found throughout the specification, for example at page 11, lines 26-33. Support for new claim 36 may be found throughout the specification for example at page 1, lines 4-11 and 13-17, Examples 2 and 4. Support for new claim 37 may be found throughout the specification for example at page 12, lines 4-8. Support for new claim 38 may be found throughout the specification for example at page 11, lines 23-25. Support for new claims 39 and 40 may be found throughout the specification for example at page 16, lines 7-11. Support for new claim 41 may be found throughout the specification for example at page 15, lines 7-8. Support for new claim 42 may be found throughout the specification for example at page 6, lines 8-17 and originally filed claim 3. Support for new claim 43 may be found throughout the specification for example in the examples and originally filed claim 4. Support for new claim 44 may be found throughout the specification for example at page 1, lines 13-17 and Example 5. Support for new claim 45 may be found throughout the specification for example at page 12, lines 4-8. Support for new claim 46 may be found throughout the specification for example at page 11, lines 23-25. Support for new claims 47 and 48 may be found throughout the specification for example at page 16, lines 7-11. Support for new claim 49 may be found throughout the specification for example at page 15, lines 7-8. Support for new claim 50 may be found throughout the specification for example at page 6, lines 8-17 and originally filed claim 3. Support for new claim 51 may be found throughout the specification for example in the examples and originally filed claim 4. Support for new claims 52 and 53 may be found throughout the specification for example at page 7, lines 19-21.

Claims 13-19 and 28-53 are currently pending.

### **STATUTORY DOUBLE PATENTING**

The Examiner has rejected claims 1-12 and 20-27 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-20 of U.S. Patent No. 6,726,942. See Office Action at p. 2. In an effort to expedite prosecution, Applicants have cancelled claims 1-12 and 20-27 thus rendering this rejection moot. Applicants respectfully request the withdrawal of this rejection.

### **NON-STATUTORY DOUBLE PATENTING**

The Examiner has rejected claims 1-27 on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6,358,543. See Office Action at p. 3. In an effort to expedite prosecution, Applicants have cancelled claims 1-12 and 20-27 thus rendering this rejection moot with respect to those claims.

While Applicants do not agree with the basis for the rejection, Applicants enclose a terminal disclaimer (and authorization to pay the required fee) with this reply to overcome this non-statutory double patenting rejection. Applicants respectfully request that this rejection be reconsidered and withdrawn. Claims 13-19 and 28-53 are pending.

### **NEW CLAIMS 28-53**

Applicants respectfully request the consideration of new claims 28-53. No new matter has been added. New independent claim 28 is directed to a dough improving composition that includes an oxidoreductase which is at least capable of oxidizing maltose, flour and at least one further dough ingredient or dough additive wherein the oxidoreductase is in an amount which results in the presence in a finished dough of 1 to 10,000 units per kg of flour. New independent claim 35 is directed to a dough that includes a dough improving composition including an oxidoreductase which is at least capable of oxidizing maltose and at least one further dough ingredient or dough additive, and flour. New independent claim 36 is directed to a flour dough that includes an oxidoreductase which is at least capable of oxidising maltose and flour. New independent claim 44 is directed to a baked or dried product produced from a flour dough wherein the flour dough includes an oxidoreductase which is at least capable of oxidising maltose. The subject-matter of these independent claims is allowable over the cited references

Applicant : Soe et al.  
Serial No. : 10/676,006  
Filed : October 2, 2003  
Page : 8 of 8

Attorney's Docket No.: 14923.0016 C1D1


for reasons similar to claims 13-19. Applicants respectfully request the allowance of new claims 28-53.

### **CONCLUSION**

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in condition for allowance. Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

Respectfully submitted,

Date: 12-5-07  
**Customer Number: 27890**  
**STEPTOE & JOHNSON LLP**  
1330 Connecticut Ave., NW  
Washington, DC 20036  
Tel: 202-429-3000  
Fax: 202-429-3902

  
Harold H. Fox  
Reg. No. 41,498